

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Akihiko MOCHIDA, et. al.

Date: July 13, 2006

Serial No.: 09/523,332

Group Art Unit: 2613

Filed: March 10, 2000

Examiner: Allen C. WONG

For: ENDOSCOPIC IMAGING SYSTEM AND ENDOSCOPIC SYSTEM



Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING  
REJECTION (37 CFR §1.321(b))

Sir:

Interest of Person Making This Disclaimer

I, Max Moskowitz, of Ostrolenk, Faber, Gerb & Soffen, LLP, with offices at 1180 Avenue of the Americas, New York, New York 10036-8403, represent that I am a representative authorized to sign on behalf of the applicant identified below who owns all of the interest in this application.

The required fee accompanies this disclaimer (\$130.00-large entity).

Identity and Title of Disclaimant

The assignee is:

Name of assignee Olympus Optical Co., Ltd.

Address of assignee 43-2, Hatagaya 2-chome, Shibuya-ku  
Tokyo, JapanTitle of disclaimant authorized to sign on behalf of assignee: Attorney of Record

The Assignment for U.S. Patent No. 5,178,130 which issued on January 12, 1993, 09/523,332  
 recorded on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_. Said document has been reviewed and, to the best of the assignee's knowledge and belief, title is in the assignee

Disclaimer

Max Moskowitz hereby disclaims the terminal part of any patent granted on the above-identified present application which would expire beyond the expiration date of the full statutory term of U.S. Patent No. 5,178,130;

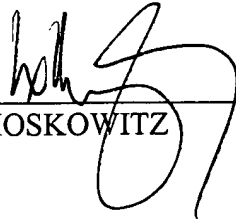
agrees that any patent so granted on the above-identified present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,178,130, this agreement to run with any patent granted on the above-identified present application and to be binding upon the grantee, its successors or assigns; and

does not disclaim any terminal part of any patent granted on said above-identified present application that would extend to the full statutory term of U.S. Patent No. 5,178,130, in the event that said issued patent later expires for failure to pay maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: July 13, 2006

  
\_\_\_\_\_  
MAX MOSKOWITZ